

PRE-APPEAL BRIEF REQUEST FOR REVIEWDocket Number
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on July 21, 2008Signature /Christopher King/Typed or printed
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Application Number

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First Named Inventor

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Art Unit

2132

Examiner

Martin Jeriko P. San Juan

This request is being filed with a notice of appeal.

I am the



applicant/inventor.

/Christopher King/

Signature



assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.

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July 21, 2008

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

*Total of 1 of 1 form is submitted.

ATTACHMENT TO THE PRE-APPEAL BRIEF REQUEST FOR REVIEW

Pre-appeal review is requested because the rejections in the Final Office Action of April 24, 2008 are improper and without factual or legal basis. Applicants respectfully request that the Panel indicate that claims 1-29 recite allowable subject matter.

I. Status of the Claims

Claims 1-29 are pending and stand rejected under 35 USC § 103(a) as allegedly being unpatentable over Roberts, U.S. Patent 6,295,555, in view of Satyavolu, U.S. Patent 7,225,464.

II. Rejection of claims 1-29 under 35 USC 103(a) in view of Roberts and Satyavolu

Independent claim 1 recites a cross-platform single sign-on system for sharing user data across computers on a plurality of computing platforms, the system comprising, in part:

...
an interface module configured to receive **requests** for authentication and non-authentication data associated with the user **from a plurality of independent local applications** on the plurality of computing platforms and, based upon authentication of the user at the beginning of the computing session and responsive to the requests, to automatically provide authentication and non-authentication data to the plurality of independent local applications throughout the computing session; and
a data registry in communication with the interface module for storing and providing authentication data and non-authentication data **responsive to requests made by the plurality of independent local applications**.
...

Thus, the claimed interface module is configured to receive requests from a plurality of **independent local applications**.

In prior Office Actions, the Examiner cited Roberts as allegedly disclosing this feature. Roberts discusses a call center system enabling a call center representative and a calling party to jointly browse World Wide Web content while simultaneously conducting a voice conversation.

(Roberts, Abstract). After a user provides a password, the server provides an applet enabling the joint activities (Roberts 11:5-44). Specifically, the server provides a user applet to the calling party's computer and a service applet to the call center representative's computer (Roberts Abstract). The applets then can proceed to share data (16:9-39), such as a demonstration or form.

As Applicants have previously established in the Response of January 24, 2008, the applets of Roberts are not "independent local applications." As explained in the Response, applets are downloaded and run in response to the decision of a server and are thus plainly not "local," and they exist solely for the purpose of communicating with the other downloaded applet and thus are not "independent." The Examiner, presumably agreeing with Applicants, then alleged in the Office Action of April 21, 2008, that it is the **browser** applications of Roberts that constitute the claimed "independent local applications." (Office Action of April 21st, page 3).

However, this alternate interpretation is likewise deficient. The browsers of Roberts merely act as host execution environments in which the user applets and service applets execute and perform their operations. Note that an applet does not even require a browser to execute, but can execute in a stand-alone environment such as Sun's AppletViewer or other process capable of interpreting the applet code, and thus any link between the browsers and the applets is merely incidental. It is the applets—i.e. the user applet and service applet downloaded from a server—that control the transmission of user view information with each other. Without the applets, the browsers standing alone would not transmit any information between themselves. Thus, any requests for authentication and non-authentication data that could be said to occur in Roberts are

properly deemed to be performed by the applets, not by the browser environments in which the applets execute.

Further, as has already been established, applets in no way constitute “independent local applications.” The Examiner notes on page 3 of the Office Action of April 21st that FIG. 2B and paragraph 0041 of Applicants’ specification show a browser application. However, this merely shows that an application (specifically, Optimal View) can be run from within a web browser, a point which is not in dispute and which in any case does not support the Examiner’s interpretation. Merely because the application can be run within a web browser does not make the web browser an “independent local application” that itself makes requests “for authentication and non-authentication data associated with the user,” as claimed. Thus, Roberts fails to disclose or suggest that the requests for authentication and non-authentication data are made by “a plurality of independent local applications.”

Nor does Satyavolu remedy the deficiencies of Roberts. Satyavolu discloses a network-based software application enabling a user to log-in to multiple password-protected web sites using only one manual authentication. (Satyavolu Abstract, 1:66-2:3; 3:56-60). However, remote web pages are clearly not “local applications,” as is claimed. Thus, the combination of Roberts and Satyavolu does not render the claimed invention obvious, and a person of ordinary skill in the art considering the teachings of the references would not have found claim 1 to be obvious at the time the invention was made.

Independent claims 14 and 18, like independent claim 1, recite “independent local applications,” and are thus patentable over Roberts and Satyavolu for the same reasons discussed above with respect to claim 1.

Nor do Roberts and Satyavolu disclose or suggest the additional features recited in dependent claims 12 and 16. For example, claim 12 recites “a caching module for storing non-authentication data generated by an application in the local cache of the computer hosting the local application *when the computer is disconnected from the computing system.*” The Examiner cited Roberts 9:25-38, which states that the user applet is “persistent,” and will “remain disposed on the user computer 12 such that it will not have to be downloaded again from the server.” Although Applicants, like the Examiner, had previously made the assumption that a “persistent” applet would remain across sessions, a closer inspection of the overall context of the paragraph reveals that this persistence is in fact limited to the current session and does not remain across sessions. For example, 9:29-31 states that “the user applet 22 remains on the user computer 12 as long as the user computer 12 *remains in the session with the server,*” thus showing that remaining in the session is a prerequisite to the applet’s persistence. The final sentence of the paragraph, 9:36-38, notes that in this way, the user applet will remain in the cache regardless of any changes to the user interface of the user computer. Such changes to the user interface, such as the display of a new page in which the user applet is embedded, would of course occur during browsing within the same session, not outside the session. Since a session with the server would naturally end when a computer is disconnected from the network, Roberts thus cannot show the claimed “storing non-authentication data... when the computer is disconnected from the system.”

Claim 16 recites that the non-authentication data of claim 14 includes configuration information for one of the plurality of independent local applications. The Examiner cited Roberts 12:66-13:60, which discloses the use of scripts, code providing a mechanism for controlling what information is displayed within a browser. (Roberts 12:66-67). However,

dependent claim 16 must be read in the context of its parent claim 14, which recites that non-authentication attributes and attribute entries are comprised by the data registry, are associated with user data entries describing a unique user of the computing system, and preserve information about a user's use of the application. In contrast, Roberts does not disclose that the scripts are comprised by a data registry, are associated with user data entries, or *preserve* information about use of an application (as opposed to merely controlling it at runtime).

Thus, the cited references likewise fail to disclose the additional features of claims 12 and 16 for at least these additional reasons. The remaining claims all depend, directly or indirectly, from one of independent claims 1, 14, and 18, and are thus patentably distinguishable over the cited references for at least the same reasons discussed above with respect to their respective independent claims.

III. Summary

Based on the foregoing, Applicants respectfully submit that pending rejection suffers from a clear deficiency. Accordingly, Applicants request that the rejections of claims 1-29 be withdrawn.

Respectfully Submitted,
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